

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SMITH WHOLESALE CO., INC., et al.)
)
v.) NO. 2:03-CV-221
)
PHILIP MORRIS USA INC.)

ORDER

For the reasons set out in the Memorandum Opinion that accompanies this order, it is hereby **ORDERED** that that the Motion for Summary Judgment filed by the defendant, Philip Morris USA, Inc., is **GRANTED**, [Doc. 176], and the plaintiffs' complaint as well as the intervening complaint if the State of Mississippi is **DISMISSED**.

On August 6, 2003, this Court entered a preliminary injunction on behalf of the plaintiffs, the entry of which was appealed by Philip Morris USA and which is the subject of Court of Appeals Docket No. 03-6025 in the United States Court of Appeals for the Sixth Circuit. This Court's order provided that this injunction would remain in effect during the pendency of this lawsuit. In view of the dismissal of the plaintiffs' complaint by this order, it is

also hereby **ORDERED** that the preliminary injunction entered by the Court on August 6, 2003 is **VACATED**. [Doc. 67]. The defendant's motion for a hearing and request for oral argument is **DENIED**. [Doc. 178].

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE